

January 20, 2012

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
January 20, 2012

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Roneta Taylor, Illinois Department of Central Management Services (by telephone); Victor Golden, Illinois Department of Lottery; and Beth Duesterhaus, Administrative and Regulatory Shared Services Center (by telephone).

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 16, 2011

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON DECEMBER 16, 2011.**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Illinois Dept. of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	148.....	10
Agriculture .....	356.....	16
Arts Council .....	19.....	2
Capitol Development Board .....	46.....	0
Central Management Services .....	1,641.....	114
Children and Family Services.....	2,937.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	400.....	67
Commerce Commission .....	79.....	0
Corrections .....	11,669.....	105
Criminal Justice Authority.....	64.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency.....	93.....	7
Employment Security .....	1,846.....	25
Environmental Protection Agency.....	882.....	16
Financial & Professional Regulation .....	471.....	42
Gaming Board .....	117.....	5
Guardianship and Advocacy .....	104.....	7
Healthcare and Family Services .....	2,166.....	26
Historic Preservation Agency.....	182.....	10
Human Rights Commission.....	14.....	2
Human Rights Department .....	145.....	8
Human Services.....	13,109.....	76
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission .....	2.....	1
Insurance .....	252.....	13
Investment Board .....	2.....	1
Juvenile Justice.....	1,264.....	20
Labor.....	91.....	8
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd. ....	17.....	2
Lottery .....	159.....	7
Medical District Commission.....	2.....	0
Military Affairs.....	122.....	3
Natural Resources.....	1,243.....	28
Pollution Control Board .....	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	24.....	1
Public Health .....	1,073.....	41
Racing Board.....	2.....	1
Revenue.....	1,807.....	52
State Fire Marshal .....	143.....	12
State Police.....	1,236.....	5
State Police Merit Board .....	5.....	1
State Retirement Systems .....	88.....	2
Transportation .....	2,418.....	0
Veterans' Affairs .....	1,301.....	8
Workers' Compensation Commission.....	138.....	8
<b>TOTALS.....</b>	<b>47,967.....</b>	<b>815</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported:

- As to Item C, this request is for the Chief of Staff in the Department of Aging, a position that reports to the Director. The Department does not have any such position and the Commission has routinely approved for similar positions in other agencies in the past. For that reason, Staff recommended approval of this request.
- As to Item D, this request is for the Chief Financial Officer at the Department of the Lottery, a position that reports to the Superintendent. This position has principal policy responsibility for managing the receipt of lottery revenues and the payment of lottery prizes as well as other financial administration activities. These functions are not part of the private management agreement, which this position also has financial audit responsibilities for. For this reason, Staff recommended approval of this request. Staff noted for the agency that functions that have been contracted out to the private manager such as sales and marketing would likely be insufficient to support requests for principal policy exemption in the future.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- C: Chief of Staff (Department on Aging)**
- D: Chief Financial Officer (Lottery)**

**The following 4d(3) exemption requests were granted on January 20, 2012:**

**C. Illinois Department on Aging**

Position Number	40070-47-00-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Office
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**D. Illinois Department of Lottery**

Position Number	40070-45-10-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Finance
Functional Title	Chief Financial Officer
Incumbent	Vacant
Supervisor	Superintendent
Location	Sangamon County

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V. CLASS SPECIFICATIONS

- None submitted.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VI. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>FITZGERALD</b>	<b>YES</b>	<b>KREY</b>	<b>YES</b>

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VII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:28 a.m.

PRESENT

Chris Kolker, Chairman (by telephone); Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	11/30/11	<b>12/31/11</b>	12/31/10
Aging	0	<b>0</b>	1
Agriculture	3	<b>0</b>	0
Central Management Services	2	<b>1</b>	1
Children and Family Services	4	<b>2</b>	2
Commerce and Economic Opportunity	0	<b>0</b>	1
Employment Security	6	<b>6</b>	3
Healthcare and Family Services	6	<b>5</b>	4
Historic Preservation Agency	1	<b>1</b>	0
Human Services	0	<b>0</b>	1
Natural Resources	13	<b>8</b>	3
State Fire Marshal	0	<b>0</b>	1
Transportation	4	<b>4</b>	1
Veterans' Affairs	0	<b>1</b>	0
Workers' Compensation Commission	0	<b>0</b>	0
Totals	39	<b>28</b>	18

IX. INTERLOCUTORY APPEALS

**DA-16-12**

Employee	Soberekon Koko	Appeal Date	09/14/11
Agency	Human Services	Decision Date	01/09/12
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Motion To Dismiss filed for untimely filing of appeal	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; appeal was untimely filed.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE EMPLOYEE'S FAILURE TO FILE HIS APPEAL WITHIN 15 DAYS AFTER RECEIPT OF THE APPROVED CHARGES RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER. THE DISMISSAL IS APPROVED.**

**KOLKER            YES                    DALIANIS            YES  
 FITZGERALD   YES                    KREY                YES**

**DA-25-12**

Employee	Hilda Whittington	Appeal Date	10/11/11
Agency	Employment Services	Decision Date	01/05/12
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion To Dismiss filed for no jurisdiction (employee not subject to jurisdiction B of the Personnel Code)	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; no jurisdiction.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE RESPONDENT'S POSITION WAS EXEMPT FROM JURISDICTION B UNDER SECTION 4D(3) OF THE PERSONNEL CODE AND THE COMMISSION HAS NO JURISDICTION OVER POSITIONS EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE. THE DISMISSAL IS APPROVED.**

**KOLKER            YES                    DALIANIS            YES  
 FITZGERALD   YES                    KREY                YES**

**S-34-12**

Employee	Henry D. Ferris	Appeal Date	12/07/11
Agency	Juvenile Justice	Decision Date	01/05/12
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Failure to appear at scheduled hearing	Proposal for Decision	Dismissed subject to approval of Commission; default.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE EMPLOYEE'S FAILURE TO PARTICIPATE IN THE JANUARY 4, 2012 HEARING CONSTITUTES A DEFAULT, RESULTING IN THE DISMISSAL OF HIS APPEAL. THE DISMISSAL IS APPROVED.**

**KOLKER            YES                    DALIANIS            YES  
 FITZGERALD   YES                    KREY                YES**

**X.    PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL**

**DA-5-12**

Employee	Cynthia Traylor	Appeal Date	07/22/11
Agency	Human Services	Decision Date	12/23/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Charge is proven and warrants 60-day suspension plus duration of her suspension pending discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY, AFFIRM, AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGE FOR DISCHARGE HAS BEEN PROVEN AND WARRANTS A 60-DAY SUSPENSION PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE. THE COMMISSION FINDS THE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION. THE EMPLOYEE'S POSITIVE PERFORMANCE RECORD ALONG WITH THE CONDUCT OCCURRING OFF-DUTY SHOWS A MORE TENUOUS CONNECTION TO HER WORK RESPONSIBILITIES AND THESE SUPPORT A LESSER FORM OF DISCIPLINE THAN A 60-DAY SUSPENSION. THE PROVEN CHARGE**

**WARRANTS THE SUSPENSION FOR A PERIOD OF 30 DAYS PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE.**

**KOLKER            YES                    DALIANIS            YES**  
**FITZGERALD   YES                    KREY                YES**

**DA-26-12**

Employee	Kristyne Santiago	Appeal Date	10/11/11
Agency	Human Services	Decision Date	01/05/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of time	Proposal for Decision	Charge is proven and warrants discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE OF 3-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGE FOR DISCHARGE HAS BEEN PROVEN AND WARRANTS DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 5, 2012.**

**KOLKER            YES                    DALIANIS            YES**  
**FITZGERALD   YES                    KREY                NO**

**XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

**DA-12-12**

Employee	Ryan D. McAllister	Appeal Date	08/23/11
Agency	Human Services	Decision Date	12/13/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Tardiness	Proposal for Decision	Dismissed subject to approval of Commission; settled.

**DA-20-12**

Employee	Christopher R. Morris	Appeal Date	09/19/11
Agency	Human Services	Decision Date	12/15/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Neglect of service recipient and others	Proposal for Decision	Dismissed subject to approval of Commission; dismissed by Agency.

**DA-28-12**

Employee	Jason M. Pierson	Appeal Date	10/14/11
Agency	Human Services	Decision Date	12/27/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences and tardiness	Proposal for Decision	Dismissed subject to approval of Commission; settled.

**D-31-12**

Employee	Bonnie Camacho	Appeal Date	11/29/11
Agency	Human Services	Decision Date	12/22/11
Type	Demotion	ALJ	Daniel Stralka
Issue(s)	Demotion	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**DA-32-12**

Employee	Brian Johnson	Appeal Date	11/29/11
Agency	Veterans' Affairs	Decision Date	12/23/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**IT WAS MOVED BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' PROPOSALS FOR DECISION TO DISMISS THE MCALLISTER, MORRIS, PIERSON, CAMACHO, AND JOHNSON APPEALS FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.**

**KOLKER            YES                    DALIANIS            YES  
 FITZGERALD   YES                    KREY                YES**

**XII. STAFF REPORT**

Executive Director Daniel Stralka reported that:

- The Comptroller's Office has appropriated reallocated funds to the Commission which should be sufficient to provide for remaining anticipated expenditures in Fiscal Year 2012.
- There have been several recent communications and meetings with Central Management Services (CMS) over the status of the Commission's lease for its Springfield office which expires on June 30, 2012. Last month, CMS sent out a

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termination notice to the landlord of the Commission's present space. CMS had shown the Commission space in the Sangamo Complex which is presently occupied. There was some disagreement over whether this space was suitable for the Commission's needs. After a few more site visits, potential locations now include other space in the Sangamo Complex and unidentified space in the Illinois State Police building (formerly the Franklin Life Building). Discussions continue.

It appears that the subject of our lease first came before the Procurement Policy Board (PPB) last year, and the PPB expressed dismay that the Commission was not located in State-owned property. It is unclear whether this is due to the size of the space, the cost per square foot, or some other reason. Considering the PPB's position, CMS has been aggressively searching for State-owned space for the Commission to move to by July 1. From what has been viewed so far, the State Police facility looks like it would be the best fit for the Commission though it is not wholly compatible with the Commission's needs. Additional discussions with CMS and the PPB will be taking place over the next few weeks.

Discussion among the Commissioners followed in which all participated. It was noted that there are legitimate operational reasons why the Commission has been located in non-State space for all these decades to ensure that those employees who utilize our services not only receive a fair and impartial hearing, but that the appearance of fairness and impartiality is conveyed by our location as well as our actions. At the conclusion, it was the consensus to ensure that both CMS and the PPB are made aware of the specific needs of the Commission so that any new location it is moved to will be compatible with these requirements.

### XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, February 17, 2012 at 11:00 a.m. in the Commission's Chicago office.

### XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:40 A.M.**